

## REMARKS

This is intended as a full and complete response to the Office Action dated August 27, 2007, having a shortened statutory period for response set to expire on November 27, 2007. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-14 and 18-22 are pending in the application. Claims 1-3, 5-7, 9-14 and 18-22 remain pending following entry of this response. Claims 1, 5 and 9-10 have been amended. Claims 4 and 8 have been cancelled. Applicants submit that the amendments and new claims do not introduce new matter.

### Claim Rejections - 35 U.S.C. § 102

Claims 5-14 and 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by *Goiffon et al.* (U.S. Patent No. 6,452,312, hereinafter, "*Goiffon*").

Applicants respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Goiffon* '312 fails to teach "each and every element as set forth in the claim." For example, *Goiffon* '312 fails to teach "obtaining one or more parameters indicative of a state of an environment in which the query is to be executed, wherein the one or more parameters comprise at least one parameter indicative of a date or time of day" as recited in claim 5. Claim 5 has been amended to include the limitations originally found in claim 8.

In rejecting originally presented claim 8, the Examiner cites *Goiffon* '312 Col. 14, lines 44-65 and Figs. 4-8. However, at no point does *Goiffon* '312 teach "wherein the one or more parameters comprise at least one parameter indicative of a date or time of day," as recited. *Goiffon* '312 simply mentions, in lines 44-47, that there is an interface provided "to users to obtain the search string and other optional parameters required to initiate development of a search query." *Goiffon* '312 then goes on to describe several "optional parameters" that may be used to develop a search query, such as possible relationships to the search string (i.e. elements related to the search string as a parent, sibling, or child), levels of hierarchy, extent of automation. *Goiffon* '312, however, is silent with respect to "at least one parameter indicative of a date or time of day," as recited in currently amended claim 5.

Therefore, claim 5 and its dependents are believed to be allowable, and withdrawal of the rejection is respectfully requested.

Claim 10 has been rewritten in independent form. In rejecting claim 10, the Examiner also cites *Goiffon* '312 Col. 14, lines 44-65. However, *Goiffon* '312 fails to teach "wherein the one or more parameters comprise one or more parameters indicative of how heavily one or more system resources are loaded." As stated above, *Goiffon* '312 simply teaches an initial search string and "optional parameters" that may be used to develop a search query. At no point, does *Goiffon* '312 teach that "one or more parameters are indicative of how heavily one or more system resources are loaded," as recited in claim 10.

Accordingly, claim 10 is believed to be allowable, and withdrawal of the rejection is respectfully requested.

Further, with respect to claim 18, *Goiffon* '312 fails to teach,

"providing a second interface allowing the user to specify a set of expanded search terms to be associated with the at least one base search term and further allowing the user to specify whether the set of expanded search terms should be dynamically linked with the query,"

as recited in the claim. In rejecting claim 18, the Examiner cites *Goiffon* '312 Col. 7, lines 39-55; Col. 8 lines 35-45; Col. 10 lines 23-33; and Figs. 4-8 as teaching the previously mentioned element. However, *Goiffon* '312 simply fails to teach the recited element and teaches no form of selective, dynamic linking, as recited in the claims.

At times a query may be developed and, by utilizing term expansion, have a set of expanded search terms. However, over time the set of expanded search terms may change. Paragraphs [0070] and [0071] give an example of a saved query that may be used to generate a regional sales report (e.g., for a business enterprise) for a specific product line sold in Midwestern states during the past year. The expanded search terms may include terms related to states in the Midwest (e.g., a list of states, zip codes, and/or cities) or terms for the last year (e.g., months in the year by name or number).

Because the list of states defined to be in the Midwest may occasionally change (e.g., to include or remove Ohio), the saved query may be dynamically linked to expanded terms related to states in the Midwest. Hence, providing a dynamic link to the set of expanded terms ensures that each time the query is executed only the latest expanded term sets would be used. On the other hand, the different months of a year are not likely to change, so a set of extended search terms for the last year may be statically linked to the saved query. Hence, providing a static link to a set of expanded terms ensures that an identical set of expanded search terms are used every time the query is executed.

With this in mind, claim 18 recites a limitation wherein

"a second interface allows the user to specify a set of expanded search terms to be associated with the at least one base search term and further allows the user to specify whether the set of expanded search terms should be dynamically linked with the query."

This gives the user the added control of ensuring only the latest expanded term set is used when executing the query or guaranteeing an exact set of expanded terms is used in subsequent executions. Though *Goiffon* '312 teaches "allowing the user to specify a set of expanded search terms to be associated with the at least one base search term,"

at no point does the reference mention “allowing a user to specify whether the set of expanded search terms should be dynamically linked with the query. Consequently, *Goiffon* ‘312 cannot teach “providing a second interface” that allows a user to specify a set of expanded search terms and specify whether the set should be dynamically or statically linked, as recited in claim 18.

Therefore, claim 18 and its dependents are believed to be allowable, and withdrawal of the rejection is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Goiffon et al.* (U.S. Patent No. 6,226,792, hereinafter, “*Goiffon*”) in view of *Goiffon*.

Applicants respectfully traverse this rejection.

Claim 1 has been amended to include the limitations of claim 4.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143.

The present rejection fails to establish at least the third criteria. For example, *Goiffon* ‘312 and *Goiffon* ‘792, independently or in combination, fail to teach “obtaining one or more parameters indicative of a state of an environment in which the query is to be executed, wherein the one or more parameters comprise at least one parameter indicative of a date or time of day” or “identifying a set of expanded terms associated with the base search term based, at least in part, on the one or more parameters.”

As stated above, *Goiffon* '312 fails to teach to each the element. *Goiffon* '312 instead teaches an initial search string and "optional parameters" that may be used to develop a search query. Further, in rejecting claim 4, the Examiner states *Goiffon* '792 Col. 28, lines 21-38 and Fig. 10 teaches the previously mentioned element. However, *Goiffon* '792 is silent with respect to "at least one parameter indicative of a date or time of day." Consequently, the references, when examined alone or in combination, fail to teach or suggest all the claim limitations.

Therefore, claim 1 and its dependents are believed to be allowable, and withdrawal of this rejection is respectfully requested.

#### Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted, and  
**S-signed pursuant to 37 CFR 1.4,**

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